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HON. STANLEY A. BASTIAN

7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF WASHINGTON

9 NICOLE K. DRUMHILLER, )  
10 Plaintiff, ) NO. 2:23-CV-00281-SAB  
11 v. )  
12 AMERICAN PUBLIC UNIVERSITY )  
13 SYSTEM, )  
14 Defendant. )  
15 \_\_\_\_\_)

**JOINT STATUS REPORT**

16  
17 Pursuant to the Court's Notice Setting Scheduling Conference and FRCP  
18 26(f), counsel for Plaintiff Nicole K. Drumhiller ("Plaintiff" or "Drumhiller") and  
19 counsel for Defendant American Public University System ("Defendant" or  
20 "APUS") met and conferred on February 2, 2024, regarding the following topics:

21 1. Service

22 The parties agree that service is complete.

23 2. Jurisdiction, Venue, and Standing

24 Pursuant to the Court's December 6, 2023 Order, the parties agree that  
25 jurisdiction, venue, and standing are proper subject to Defendant's preservation  
26 of its objections to that ruling.

1       3.     Assignment of Case to Magistrate Judge

2     The parties do not agree to assignment to a Magistrate Judge.

3       4.     Nature and Basis of Claims

4     This is an action under RCW 49.60.210, Title IX, 20 U.S.C. §1681, and  
 5 Wrongful Discharge in Violation of Public Policy. Plaintiff seeks economic relief  
 6 to redress being wrongfully terminated and retaliated against for being a victim of  
 7 sexual harassment and participating in a sham investigation conducted by  
 8 Defendant. APUS denies Plaintiff's allegations and asserts affirmative defenses.

9       5.     Preferred Trial Date and Estimated Length of Trial

10    The parties' preferred trial date is January 13, 2025. They estimate that the  
 11 trial will last three to four days.

12    6.     Anticipated Motions

13    None at this time. The parties anticipate that motions for summary  
 14 judgment may be filed after substantial discovery is completed.

15    7.     Initial Disclosures

16    The parties will exchange initial disclosures in accordance with the Court's  
 17 order and the federal and local rules by February 16, 2024. [*FRCP 26(a)(1): A  
 18 party must make the initial disclosures at or within 14 days after the parties' Rule  
 19 26(f) conference unless a different time is set by stipulation or court order*]

20    8.     Proposed Discovery Plan

21    The parties will conduct discovery in accordance with the federal and local  
 22 rules. The parties agree that there should be no deviation from the federal and  
 23 local rules at this time. Initially, the parties agree to produce electronic documents  
 24 in searchable PDF format or as otherwise agreed. The parties acknowledge that  
 25 there may be need for the production of certain documents in native form and with  
 26 metadata, which will be addressed as needed. The parties agree to work  
 27 cooperatively on all discovery issues to resolve them efficiently.

1       The parties anticipate conducting discovery on all matters raised in the  
2 Complaint and Answer, including matters pertaining to liability, damages, and  
3 affirmative defenses. If any privilege issues arise, the parties will address them  
4 on a case-by-case basis. The parties may seek entry of a protective order  
5 pertaining to certain confidential information and documents. If it appears during  
6 the course of discovery that such an order would be appropriate, the parties will  
7 confer and attempt to propose an agreed order.

8           9. Class Certification

9       Plaintiff does not allege class certification.

10          10. Beneficial Interest Claim of a Minor

11       This case does not involve a beneficial interest claim of a minor or  
12 incompetent.

13          11. Special Procedures

14       The parties do not believe special procedures such as consolidation of  
15 actions or reference to a master or magistrate are appropriate.

16          12. Modification of Standard Procedures

17       The parties do not believe modification of the Court's standard procedures  
18 is warranted.

19          13. Feasibility of Bifurcation

20       The parties do not believe bifurcation is feasible.

21          14. Settlement Discussions

22       The parties anticipate that there will be a point in the litigation when they  
23 can conduct meaningful settlement discussions or participate in a form of  
24 alternative dispute resolution.

25          15. Identification of Issues to the Supreme Court

26       The parties do not believe that there are any issues that should be certified  
27 to the Supreme Court.

1       16. Other Matters

2           The parties do not believe that there are other matters that may be conducive  
3 to the just, efficient, and economical determination of this action.

4           DATED this 2nd day of February, 2024.

5                   CORR|DOWNS PLLC

6                   By s/Jacob M. Downs

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30                  *Attorneys for Defendant*

1                   CERTIFICATE OF SERVICE

2                   I hereby certify under penalty of perjury under the laws of the State of  
3 Washington and the United States that on February 2, 2024, I electronically filed  
4 the foregoing with the Clerk of the Court using the CM/ECF system which will  
5 send notification of such filing to the following:

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18 *Attorneys for Defendant*

19                   DATED this 2nd day of February, 2024.

20                   s/ Danna Hutchings \_\_\_\_\_

21                   Danna Hutchings  
22                   Senior Legal Assistant